

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**LEWIS FITE, DWAYNE COLEMAN,
CHARLES KIRK, DEANGELIS ASHFORD,
GIL PEARSALL and CEDRIC HEMPHILL,**

Plaintiffs,

v.

**COMTIDE NASHVILLE, LLC,
COMTIDE S, LLC, COMTIDE CAR
UNIVERSE, LLC, NISSAN OF COOL
SPRINGS, LLC, VINCENT ROBERT
CACCESE and MICHAEL MCLEAN,**

Defendants.

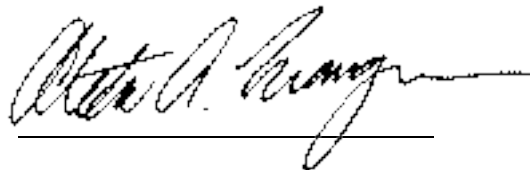
**Case No. 3:09-0020
Judge Trauger**

ORDER

For the reasons expressed in the accompanying Memorandum, the defendants' Motion to Dismiss Complaint Against Michael McLean (Docket No. 22) is **GRANTED** and defendant McLean (or McClean) is **DISMISSED** from this litigation, without prejudice. As discussed in detail in the Memorandum, the remaining defendants' Motion for Summary Judgment (Docket No. 24), which is construed as including the arguments raised in the Motion to Dismiss (Docket No. 23), is **GRANTED IN PART AND DENIED IN PART**.

It is so ordered.

Enter this 19th day of February 2010.



ALETA A. TRAUGER
United States District Judge